

Claim 1 only requires the placement of the metallic layer against the polymeric external surface of the container. Further, claim 1 does not require the application of heat to either the metallic layer or the polymeric external surface. Claim 1 only requires "melting at least a portion of the external surface beneath the metallic layer." Melting is defined as altering a substance from a solid state to a liquid state, not necessarily by heat. For example, melting can be accomplished by the application of acid to a substance. Accordingly, as claim 1 does not require the combined application of heat and pressure, nor the individual application of heat or pressure, claim 1 is patentable over *Williams*. Further, as claims 2 – 7 depend from claim 1, they should be patentable for at least the same reasons.

Claim 11 distinguishes over *Williams* by at least reciting:

- obtaining a semi-permeable container having an external surface;
- obtaining a metallic layer;
- placing polymeric material between the external surface and the metallic layer; and
- melting at least a portion of the polymeric material.

In contrast, per the Examiner, *Williams* further discloses an "interposed thermoplastic adhesive is additionally employed between the metallic layer and outer container surface" (emphasis added) to bond the metallic layer with the outer container surface. In contrast, claim 11 does not recite the use of an adhesive (nor does claim 11 recite the combination of pressure and heat discussed above). Claim 11 requires placing a polymeric material, not an adhesive, between the external surface and metallic layer and then melting at least a portion of the polymeric material. If an adhesive was placed between the metallic layer and external surface, melting would obviously not be required. Accordingly, claim 11 is patentable over *Williams*. Further, as claims 12 – 18 depend from claim 11, claims 12 – 18 should be patentable for at least the same reasons.

In section 6 of the Office Action, the Examiner further rejected claims 1 – 7 and 11 – 18 under 35 U.S.C. §103(a) as being unpatentable over *Williams* in view of U.S. Patent No. 4,392,576 to Richard F. Berger et al. (hereinafter referred to as *Berger et al.*). Applicants respectfully traverse this rejection.

Claim 1 distinguishes over *Williams* and *Berger et al.* by at least reciting:

obtaining a semi-permeable container having a polymeric external surface;  
obtaining a metallic layer;  
placing the metallic layer against the external surface; and  
melting at least a portion of the external surface beneath the metallic layer.

In contrast, *Berger et al.* discloses bonding a metallic foil that is pretreated between two plastics material layers (Column 4, lines 15 – 22). Accordingly, claim 1 is patentable over *Berger et al.* since *Berger et al.* does not disclose bonding a metallic layer against an external surface of the container but instead discloses bonding a metallic layer between two layers of a container. Further, for the reasons stated above, claim 1 is also patentable over *Williams*. In addition, the combination of *Williams* and *Berger et al.* does not lead to the instant invention. Therefore, Applicants submit that claim 1 is patentable over *Williams* and *Berger et al.*, whether considered singly or in combination. Further, as claims 2 – 7 depend from claim 1, they should be patentable over *Williams* and *Berger et al.* for at least the same reasons.

Claim 11 distinguishes over *Williams* and *Berger et al.* by at least reciting:

obtaining a semi-permeable container having an external surface;  
obtaining a metallic layer;  
placing polymeric material between the external surface and the metallic layer; and  
melting at least a portion of the polymeric material.

For the reasons discussed above, claim 11 is patentable over *Berger et al.* because *Berger et al.* only discloses bonding a metallic layer between two surfaces of a container and not bonding a metallic layer to an external surface of a container. Further, for the reasons stated above, claim 11 is also patentable over *Williams* and the combination of *Berger et al.* and *Williams* does not disclose the instant invention. Therefore, Applicants submit that claim 11 is patentable over *Williams* and *Berger et al.* whether considered singly or in combination. Further, as claims 12 – 18 depend from claim 11, they should be patentable for at least the same reasons.

As all claims are believed to be patentable, Applicants respectfully request that a timely Notice of Allowance be issued in this case.


If the undersigned attorney has overlooked a teaching in any of the cited references that is relevant to the allowability of the claims, the Examiner is respectfully requested to specifically point out where such teachings may be found.

If the Examiner has any questions, he is invited to contact the Applicants' representative at 1 (650) 843-3375.

If for any reason an insufficient fee has been paid, the Commissioner is hereby authorized to charge the insufficiency to Deposit Account No. 05-0150.


Respectfully submitted,  
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CERTIFICATE OF MAILING

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